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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Vanitha RAMAKRISHNAN, et al.

Application No.: 09/775,803

Filing Date: February 5, 2001

For: TRANSGENIC ANIMALS HAVING A
MODIFIED GLYCOPROTEIN V GENE



Commissioner for Patents
Office of Petitions
Washington, D.C. 20231

**PETITION FOR FILING AN APPLICATION UNDER 37 C.F.R. §1.47(a) with
accompanying STATEMENT OF FACTS IN SUPPORT THEREOF**

Sir:

Joint inventor David R. Phillips respectfully petitions to file this application under 37 C.F.R. §1.47(a) for himself and non-signing inventor Vanitha Ramakrishnan.

Submitted with the Response to the Notice of Missing Requirements is a combined declaration and power of attorney (copy attached hereto) signed by David Phillips. The circumstances relating to Vanitha Ramakrishnan's refusal to sign the declaration for the above-referenced application are set forth in an accompanying Statement of Facts attested to by Carmen Ekstrom, Esquire, who has direct knowledge of the facts involved. The accompanying Statement is a facsimile copy of the original document.

The non-signing inventor's last known address is:

Vanitha Ramakrishnan
825 Holly Rd.
Belmont, CA 94002

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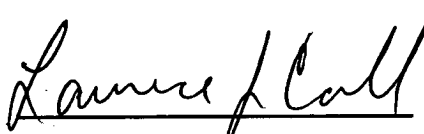
A check in the amount of \$130 is submitted herewith for the petition fee under 37 C.F.R. §1.17(i).

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: October 9, 2001



Lawrence J. Carroll
Reg. No. 40,940

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Washington, D.C. 20036
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PATENT #10

ATTORNEY DOCKET NO.: 44481-5044-01 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

STATEMENT OF FACTS IN SUPPORT OF PETITIONFILED UNDER 37 C.F.R.1.47

I, Carmen Ekstrom, Esquire am employed by COR Therapeutics, Inc.(COR) in the capacity of Intellectual Property Attorney and attest to the following facts with respect to the lack of signature of inventor, Vanitha Ramakrishnan.

1. COR Therapeutics, Inc. is a Delaware corporation with a principal place of business of 256 East Grand Avenue, San Francisco, CA 94080. Ms. Ramakrishnan was employed by COR Therapeutics, Inc. from September 18, 1989 to January 5, 2001. As a condition of her employment Ms. Ramakrishnan executed a *Patent, Copyright and Nondisclosure Agreement*—copy provided in appendix A—in which she assigned to COR all right, title and interest to all inventions she made while employed by COR (§2.2) and agreed to assist COR in obtaining, maintaining and enforcing patents for the inventions (§2.4).

2. On March 7, 2001, Ms. Ramakrishnan was contacted by COR and asked to sign the combined Power of Attorney and Declaration for this application. She responded by email to Ms. Carolyn Adler, Esquire who was the Vice President of Intellectual Property for COR at that

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PATENT
ATTORNEY DOCKET NO.: 44481-5044-01 US

tim that she—Ms. Ramakrishnan—did not think she had to sign the Power of Attorney. A copy of her mail is provided in Appendix B.

3. On August 20, 2001, Gayle Wolfe, a legal assistant employed by COR, sent a letter dated August 20, 2001 to Vanitha Ramakrishnan at her last recorded address 825 Holly Rd. Belmont, CA 94002 by Federal Express. Along with the letter was a package containing the patent application, a combined Declaration and Power of Attorney, an Assignment and a copy of the COR Therapeutics *Patent, Copyright and Non-Disclosure Agreement*. The Federal Express tracking number of the package was 790137274406. The document was delivered on August 21, 2001 and was signed by H. Heiser.

4. On September 19, 2001, Gayle Wolfe sent another letter and package dated September 19, 2001 to Vanitha Ramakrishnan at her last recorded address 825 Holly Rd. Belmont, CA 94002 by Certified Mail. The package contained the patent application, combined Declaration and Power of Attorney, Assignment and COR Therapeutics *Patent, Copyright and Non-Disclosure Agreement*. COR has received the return receipt that was signed by a Heather Heiser on September 20, 2001.

5. On September 27, 2001, I contacted Ms. Ramakrishnan by phone. After she was informed that I was from COR Therapeutics, she said she had a meeting and had to go. I asked when her meeting would be over and she answered "7 PM." I then replied, "I will be home by then." I asked her if she received the documents. She said she received so much mail, she did not remember. I then asked her if she would sign the combined Declaration and Power of Attorney. She said she did not want to give up her Power of Attorney to COR. I asked her what she meant by that? Again she said "she did not want to give up her Power of Attorney to COR" and added that she really had to go to her meeting. I then asked her if we could talk the next day. I asked her if she would be available at 9:30 AM on September 28. She said she had to attend another meeting the next day. However, she asked for my phone number and told me that she would call me at 11 AM on the 28th.

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ATTORNEY DOCKET NO.: 44481-5044-01 US

6. On September 28, 2001, Ms. Ramakrishnan called me at 11 AM and agreed to sign the combined Declaration and Power of Attorney. At noon I went to her current place of employment Eos Company at 525 A Gateway, South San Francisco, CA. The receptionist called her through the intercom. As I was waiting in the lobby, Ms. Ramakrishnan attempted to exit the building through the front door. I handed Ms. Ramakrishnan the following documents: a copy of this patent application (serial no. 09/775,803); a copy of another U.S. patent application on which she is an inventor (serial no. 09/745,842), combined Declaration and Power of Attorney documents for both applications, assignments for both applications, and a copy of the *COR Therapeutics Patent, Copyright and Non-Disclosure Agreement*. Ms. Ramakrishnan did not want to sign the documents at that time. She indicated she wanted to review them first. She said she would leave them by the front desk on the next day, September 29, 2001, so I could pick them up on Monday, October 1. She did not want to send them by Federal Express.

7. On October 1, 2001, at noon, Gayle Wolfe went to Eos Company to pick up the signed documents. The documents were not at the reception desk. Ms. Wolfe asked the receptionist to call Ms. Ramakrishnan through the intercom. Ms. Ramakrishnan did not respond to the intercom. Ms. Wolfe waited at least 15 minutes but Ms. Ramakrishnan did not come to the front desk or call the receptionist.

8. On October 1, 2001, at 3 PM, I called Ms. Ramakrishnan to find out why she did not leave the signed documents at the reception desk of Eos. To date, she has not returned my call.

Dated: October 9, 2001


Carmen Ekstrom, Esquire